

Remarks/Arguments

Reconsideration of this application is requested.

Title

The title is objected to as not descriptive. In response, the title is amended as suggested in the Action.

Abstract

The abstract is objected to for begin repetitive and not in proper format. In response, the abstract is amended to be in proper format.

Drawings

The drawings are objected to because reference character '15' designates both a "rear lighting device" (page 5, line 14) and a "tail lamp device" (page 5, line 17). After reviewing the specification and drawings, applicant has determined that "rear lighting device" is simply alternative terminology for "tail lamp device", and is not indicative of a separate device in need of a separate reference character. Both terminologies refer to the same element in the drawings indicated by reference numeral 15.

In order to eliminate confusion and provide consistency throughout the specification, applicant has changed the one occurrence of "rear lighting device 15" to "tail lamp device 15". In view of this change, applicant submits that no changes to the drawings are necessary and that the objection should be withdrawn.

Specification

The misspelling of "fork" at page 4, line 19, has been corrected as suggested. In addition, a misspelling of "planar" at page 5, line 14, was noted and corrected.

Claim Status

Claims 1-21 were presented in this application. By this amendment, claims 2, 6, 8, 12 and 15-16 are canceled, and claims 1, 5, 7, 11, 13, 14 and 17 are amended. Accordingly, after entry of this amendment, claims 1, 3-5, 7, 9-11, 13, 14 and 17-21 are pending.

Claim Rejections – 35 USC 112

Claims 11-13 are rejected under 35 USC 112, second paragraph, as indefinite. The Action asserts that it is unclear whether claim 11 is directed to “a tail lamp device” or a “rear fender including a tail lamp device”. In response, claim 11 is amended to clarify that it is directed to a “rear fender including a tail lamp device”, as was presumed in the Action.

Claim Rejections -35 USC 102 and 103

Claims 1-3, 5-8 and 14-18 are rejected under 35 USC 102(b) as anticipated by Schwaller et al. (USP 5,384,693), and claims 4, 9-13 and 19-21 are rejected over 35 USC 103(a) as obvious over Schwaller et al. In response, independent claims 1, 5, 11 and 14 are amended to clearly distinguish over Schwaller.

Claim 1, as amended, recites a substrate disposed on a rearwardly descending surface of a fender, with light emitting elements mounted on and extending generally perpendicular to the substrate, such that the light emitting elements extend upwardly and diagonally relative to a horizontal direction. In addition, a lens covering the light emitting elements has a directivity that rearwardly directs light emitted from the plurality of light emitting elements generally in the horizontal direction. Independent claims 5, 11 and 14 are amended in a similar fashion.

Thus, although the substrate extends rearwardly and downwardly, and the light emitting elements extend upwardly and diagonally, the lens has a directivity that causes light to be directed generally in the horizontal direction from the rear of the motorcycle. As is extensively discussed in the specification (see, e.g., page 8, lines 2-15), it is this configuration that permits the tail lamp device to be made thinner, protrude less from the rear fender and provide a more integrated appearance.

The bicycle tail light disclosed by Schwaller is not configured in the same manner and, consequently, does not provide the same advantages as applicant's claimed tail light device. Importantly, Schwaller does not disclose a lens having a

directivity that causes light emitted by diagonally configured LEDS to be directed in a horizontal direction. The Action's reference to column 2, lines 13-15 of Schwaller as disclosing this limitation is not understood. At column 2, lines 13-15, Schwaller states "The cover 6 is, however, made from a plastic that is transparent in the whole visible light spectrum because usually red light emitting diodes are used." This cannot reasonably be construed as disclosing or suggesting a lens having a directivity that causes light to be directed in a horizontal direction, as is claimed by applicant.

Applicant's claims also require that the light emitting devices be mounted on the substrate in a direction perpendicular to the substrate. In addition, the claims require that the substrate be mountable on the rear fender in a rearwardly descending fashion, with the result being that the LEDs extend diagonally in relation to a horizontal direction. Schwaller discloses three LEDs 1, 2 and 3 mounted on a substrate 4. Only one of these LEDs, LED 1, extends perpendicular to substrate 4. The other LEDs 2 and 3 are oriented off-axis relative to LED 1. With respect to LED 1, Schwaller specifically states "The light of this diode 1 (1') is therefore used without additional optical deflection" (column 2, lines 22-23). This is in direct contravention to applicant's claims and disclosure, which require that the light emitted from the perpendicularly-configured LEDs be directed by the lens so that it travels in a horizontal direction.

Because Schwaller fails to disclose applicant's invention, it also fails to provide the advantages thereof. This is starkly illustrated by Schwaller's Fig. 3, where the substantial protrusion of Schwaller's cover 6 from the bicycle rear fender is evident. Compare this to applicant's Fig. 4, where the minimized protrusion and streamlined appearance of tail lamp 20 with respect to the rear fender is evident.

For these reasons, applicants submits that independent claims 1, 5, 11 and 14, and all claims dependent thereon, are neither anticipated nor rendered obvious by Schwaller, and that the rejections of these claims in view of Schwaller should be withdrawn.

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Conclusion

This application is now believed to be in condition for allowance. The Examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
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